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9 Attorneys for Defendant  
Aquila Merchant Services, Inc.  
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11 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
12 FOR THE COUNTY OF SAN DIEGO

13 Coordination Proceedings Special Title (Rule  
1550(b))

14 IN RE NATURAL GAS ANTI-TRUST CASES  
15 I, II, III, IV

16 This Document Relates To:

17 All Price Indexing Cases

JCCP Nos. 4221, 4224, 4226, and 4228

**STIPULATION REGARDING ADD-ON  
OF CASES AND PRESERVATION OF  
DEFENSES; AND ~~PROPOSED~~ ORDER**

18 Defendants Dynegy Inc.; West Coast Power, LLC; Dynegy Marketing and Trade; Reliant  
19 Energy Services, Inc.; Reliant Resources, Inc.; Reliant Energy, Inc.; Centerpoint Energy, Inc.  
20 Mary Kathleen Zanaboni; Encana Corporation; WD Energy Services, Inc.; Aquila, Inc.;  
21 Aquila Merchant Services, Inc.; CMS Energy Corporation; CMS Marketing Services and Trading  
22 Company; Cantera Gas Company; Cantera Natural Gas, Inc.; Duke Energy Corporation; Duke  
23 Energy Trading and Marketing L.L.C.; The Williams Companies, Inc.; Williams Energy  
24 Marketing and Trading Co.; TXU Corporation; TXU Energy Services Co.; TXU Energy Trading  
25 Company; Sempra Energy; Sempra Energy Trading Co.; Southern California Gas Co.; San Diego  
26 Gas & Electric Co.; and Coral Energy Resources L.P. (collectively, the "Defendants") and  
27 Plaintiffs The Board of Trustees of the California State University; Pabco Building Products,  
28 LLC; and Basalite Concrete Products, LLC (collectively, the "Plaintiffs"), through their

ID 7507692

**F I L E D**

Clerk of the Superior Court

NOV 23 2005

By: K SANDOVAL, Deputy

undersigned counsel hereby stipulate as follows:

WHEREAS, Defendants are named as defendants in certain of the cases in the above-captioned proceeding, and these cases have been designated as Price Indexing Cases pursuant to the Court's Order Granting Add-On Requests, dated March 22, 2005;

WHEREAS, on or about April 8, 2005, certain of the Defendants filed a Demurrer to the Master Class Action Complaint and Individual Complaints (the "Federal Preemption Demurrer"), and the Federal Preemption Demurrer was overruled on or about June 29, 2005;

WHEREAS, on or about May 13, 2005, certain of the Defendants filed a Demurrer to Claims for Unfair Competition and "Unjust Enrichment" (the "Unfair Competition Demurrer"), and this Demurrer was overruled on or about September 7, 2005;

WHEREAS, on or about October 31, 2005, Pabco Building Products, LLC and Basalite Concrete Products, LLC filed a Complaint for (1) Violation of Cartwright Act (Business & Professions Code §§ 16700, *et seq.*; (2) Unjust Enrichment in the Superior Court of California, County of San Diego (Case No. GIC 856187) against certain of the Defendants (the "Pabco Action");

WHEREAS, on or about October 31, 2005, The Board of Trustees of the California State University filed a Complaint for (1) Violation of Cartwright Act (Business & Professions Code §§ 16700, *et seq.*; (2) Unjust Enrichment in the Superior Court of California, County of San Diego (Case No. GIC 856187) against certain of the Defendants (the "California State University Action");

WHEREAS, Plaintiffs wish to coordinate the Pabco Action and the California State University Action with the Price Indexing Cases as add-on cases;

WHEREAS, certain of the Defendants would file demurrers in the Pabco Action and the California State University Action on the grounds stated in the Federal Preemption Demurrer and the Unfair Competition Demurrer, but recognize that the demurrers would raise the same issues and defenses as the demurrers previously overruled by the Court;

WHEREAS, certain Defendants wish to preserve for appeal the issues and defenses raised in the Federal Preemption Demurrer and the Unfair Competition Demurrer with respect to the

1 Pabco Action and the California State University Action;

2 NOW, THEREFORE, Plaintiffs and Defendants stipulate as follows:

3 1. The Pabco Action and the California State University Action are hereby added to  
4 the Price Indexing Cases;

5 2. The Defendants in the Pabco Action and the California State University Action  
6 shall be deemed to have filed the Federal Preemption Demurrer and the Unfair Competition  
7 Demurrer in the Pabco Action and the California State University Action, and said demurrers shall  
8 be deemed to have been overruled by the Court with respect to those actions as well;

9 3. The issues and defenses raised by Defendants in the Federal Preemption Demurrer  
10 and the Unfair Competition Demurrer are preserved for appeal in the Price Indexing Cases,  
11 inclusive of the Pabco Action and The California State University Action;

12 4. No Defendant shall be deemed to have waived, by participating in this stipulation  
13 or in the coordination process, its right to assert the lack of personal jurisdiction or proper service,  
14 or improper venue, nor will any plaintiff in the Price Indexing Cases assert any such waiver in any  
15 future proceeding.

16 SO STIPULATED:

17  
18 Dated: November 22, 2005

LEBOEUF, LAMB, GREENE & MACRAE LLP

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20

By: 

Seth W. Wiener

As Authorized for Defendants

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24 Dated: November 22, 2005

COTCHETT, PITRE, SIMON & MCCARTHY

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By: 

Nanci E. Nishimura

As Authorized for Plaintiffs

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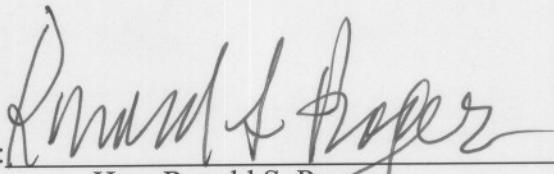
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1 SO ORDERED:  
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3 Dated: NOV 30 2005  
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5 By:   
6 Hon. Ronald S. Prager  
7 Judge of the Superior Court of California,  
8 County of San Diego  
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NOV 23 2005

By: E PETERSON, Deputy

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Attorneys for Defendant  
 Aquila, Inc.

**SUPERIOR COURT OF THE STATE OF CALIFORNIA  
 FOR THE COUNTY OF SAN DIEGO**

Coordination Proceedings Special Title (Rule 1550(b))	)	Case No. JCCP Nos. 4221, 4224, 4226, and 4228
	)	
IN RE NATURAL GAS ANTI-TRUST CASES I, II, III, IV	)	<b>PROOF OF SERVICE VIA LEXISNEXIS FILE &amp; SERVE</b>

I, Serena H. Chobanian, declare:

I am employed in the City and County of Los Angeles, California. I am over the age of eighteen and not a party to the within cause; my business address is LeBoeuf, Lamb, Greene & MacRae LLP, One Embarcadero Center, Fourth Floor, San Francisco, California, 94111.

On November 23, 2005, I caused to have served the following document(s) as required on the parties and/or counsel of record designated for electronic service in this matter on the LexisNexis File & Serve website.

**STIPULATION REGARDING ADD-ON OF CASES AND PRESERVATION OF DEFENSES; AND PROPOSED ORDER**

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and this declaration was executed on November 23, 2005, at San Francisco, California.

  
 Serena H. Chobanian